

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
RESCHEDULING REPLY COMMENTS REGARDING
FCC ORDER ON UNBUNDLED SWITCHING ELEMENT PLATFORM**

By ruling dated July 30, 2003, this rulemaking initiated a new phase in response to a Federal Communications Commission (FCC) Order adopted on February 20, 2003 concerning incumbent local exchange carriers (ILECs') obligations to make their network elements available on an unbundled basis to new entrants. Although the text of the FCC Order had not yet been publicly issued, the ruling called for preliminary comments as a preparatory step in planning the proceeding. Opening comments were filed on August 18, 2003, and reply comments were scheduled to be filed on August 25, 2003.

Given indications that the FCC is likely to release its order on or before August 25, 2003, the previously scheduled due date for reply comments of August 25, 2003 is hereby rescheduled. Assuming the FCC order is released on or before that date, rescheduling of reply comments will provide parties opportunity to review the actual contents of the order before filing further

comments. The due date for reply comments is accordingly rescheduled to September 3, 2003. If the FCC order is not released until after August 25, 2003, however, the due date for reply comments shall be extended until 10 calendar days after release of the FCC order. As previously noted in the July 31, 2003 ruling, the reply comments should only address the 90-day review phase. Specifically, the FCC Order provides 90 days within which to determine whether the “no impairment” presumption has been rebutted with respect to the switching element for business customers served by high capacity loops such as DS-1. A separate ruling will provide direction concerning the scope and process for the 9-month review schedule.

IT IS RULED that:

1. The previously scheduled due date for reply comments of August 25, 2003 as set forth in the ALJ ruling of July 31, 2003 is hereby rescheduled to September 3, 2003. If the FCC order is not released until after August 25, 2003, however, the due date for reply comments shall be extended until 10 calendar days after release of the FCC order.
2. As previously noted in the July 31, 2003 ruling, the reply comments should only address issues relating to the 90-day review schedule. A separate ruling will be issued to provide direction concerning the 9-month review schedule.
3. The reply comments shall take into account parties’ analysis of the contents of the FCC order, assuming it is publicly released as currently anticipated.

Dated August 21, 2003, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Rescheduling Reply Comments Regarding FCC Order on Unbundled Switching Element Platform on all parties of record in this proceeding or their attorneys of record.

Dated August 21, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.